

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
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E-FILED

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

ALBERT WILLIAM
MCCANDLESS

Debtor(s).

Chapter 13
BKS-08-12808-LBR
MOTION TO DISMISS FOR FAILURE TO
MAKE PLAN PAYMENTS

MOTION TO DISMISS
Hearing Date: April 29, 2010
Hearing Time: 2:00 PM

Comes now RICK A. YARNALL, Chapter 13 Bankruptcy Trustee in the above captioned bankruptcy case and for his motion states and alleges as follows:

1. Debtor(s) filed an Original Petition under Chapter 13, Title 11 of the United States Code on March 27, 2008.
2. Debtors Plan was confirmed by the Court on 07/02/2008.
3. The Trustee requests that this case be dismissed pursuant to 11 U.S.C. § 1307 for one or more of the following reasons, to wit:
 - (c)(6) Material default by the debtor with respect to a term of a confirmed plan to wit:
 - Failure to make plan payments

The last payment by the debtor(s) was made on 12/02/2009 and the debtor(s) are \$600.00 in default under the terms of the current plan. The Debtor remains responsible for all payments that become due subsequent to the filing of the instant motion. The Trustee requests an Order dismissing the case unless the debtor(s) **EITHER:**

- A. cure the default **AND** remain current with all future payments coming due, **OR**
- B. **file a Modified Plan by 04/22/2010,**

WHEREFORE, the Trustee prays the Court issue an Order dismissing the within case for the reasons as stated above and that expenses in the amount of \$0.00 be allowed in this case.

DATED: 3/2/2010
JCL

/s/ RICK A YARNALL, TRUSTEE

Rick A. Yarnall
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